

HEALTH AND SANITATION*

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ARTICLE I. IN GENERAL

Sec. 11-1. Right of entry for purpose of inspection.

The health officer or his deputies shall have the right to enter any and all premises for the purpose of ascertaining as to the sanitary condition thereof and whether or not the provisions of this Code are being complied with, and any person denying or obstructing such entry shall be guilty of a misdemeanor. (Code 1961, § 13.12)

Sec. 11-2. Adoption by reference of county health ordinance.

San Mateo County Ordinance No. 2413, being an ordinance establishing health standards for restaurants, itinerant restaurants, mobile food vendors, caterer's food equipment, public fresh water sports areas, water supplies, wells, chemical toilets, and rodent and insect control, is incorporated herein by reference as though set forth herein word for word, and said ordinance is hereby adopted as an ordinance of the City of Belmont. (Ord. No. 601, § 1, 4-11-77)

Editor's note—Ord. No. 601, § 1, adopted April 11, 1977, did not specifically amend the Code. Codification herein as § 11-2 was, therefore, at the discretion of the editor. A copy of county Ord. No. 2413 is on file and available for public inspection in the office of the city clerk.

Secs. 11-3—11-13. Reserved.

ARTICLE II.
FOOD ESTABLISHMENTS†

Sec. 11-14. Definitions.

(a) The term "food establishment" includes all "restaurants" as defined in Section 28522 of the California Health and Safety Code, all "itinerant restaurants" as defined in Section 28523 of the California Health and Safety Code, all "vehicles" as defined in Section 28524 of the California Health and Safety Code, all "vending machines" as defined in Section 28525 of the California Health and Safety Code, all "retail food production and marketing establishments" as defined by Section 28802 of the California Health and Safety Code, and all "bakeries" as defined by Section 28190 of the California Health and Safety Code.

(b) "Health Officer" means the director of public health and welfare of San Mateo County, or his duly authorized representative.

(c) The term "restaurant" shall have the same meaning as that defined in Section 28522 of the California Health and Safety Code.

(d) The term "retail food vehicle" includes all "vehicles" as defined in Section 28524 of the California Health and Safety Code, and all "itinerant restaurants" as defined in

†**Editor's note**—Ord. No. 600, § 1, adopted April 11, 1977, specifically amended the Code by revising Art. II to read as herein set out. Former Art. II, §§ 11-14—11-27, which pertained to the same subject matter, had been derived from Code 1961, §§ 12.1—12.14.

Cross reference—Licensing of food establishments, § 12-43.

***Cross reference**—Sewers and disposal generally, Ch. 21.

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Section 28523 of the California Health and Safety Code.

(e) The term "vending machine" has the same meaning as that defined in Section 28525 of the California Health and Safety Code. (Ord. No. 600, § 1, 4-11-77)

Sec. 11-15. Permit to operate.

It shall be unlawful for any person to open, operate or engage in the business of operating either (a) a retail food production and marketing establishment in geographic areas in which the county health officer is responsible for enforcing state statutes, orders, quarantines, rules or regulations relating to public health; or (b) a restaurant, retail food vehicle, vending machine or bakery in unincorporated areas of the county, unless that person holds a valid permit issued by the county department of health and welfare. (Ord. No. 600, § 1, 4-11-77)

Sec. 11-16. Application for permit.

(a) Any person desiring to open a food establishment shall apply in writing for a permit to the department of public health and welfare. He may not engage in business until his application has been accepted and a permit issued.

(b) Any person who is engaged in the operation of a food establishment at the time this chapter becomes effective shall apply for a permit in writing to the department of public health and welfare shall grant or deny each application within one hundred twenty (120) days after receipt of the application; hereafter, it shall be unlawful for any person to continue to operate such food establishment without having a permit as herein provided. (Ord. No. 600, § 1, 4-11-77)

Sec. 11-17. Issuance, suspension and revocation of permit.

(a) If, after investigation, it is determined that the food establishment complies with the requirements of state laws and with the requirements of this chapter, a permit shall be issued by the department of public health and welfare.

(b) A permit may be revoked or suspended by the county health officer where he has determined that a violation of state law or a

provision of this chapter exists, where he has given written notice to the permittee of said violation, and where said permittee has failed or neglected within a reasonable time after such notice to make the necessary corrections called for therein.

(c) Any permittee who feels aggrieved by an action of suspension or revocation of a permit by the county health officer is entitled to a hearing before the county hearing officer, and, the county health officer shall inform the permittee of this right. Upon receipt of a request for a hearing, the county hearing officer shall set the matter for hearing at the earliest practicable date, but in no event later than fourteen (14) days from the effective date of suspension or revocation. At said hearing, the county hearing officer shall consider the report of the health officer and any evidence presented by the permittee allegedly aggrieved. The county hearing officer may reject, affirm or modify the health officer's decision, which action shall be final.

(d) All permits issued under the provisions of this chapter must be posted on the premises on the business in a conspicuous place.

(e) Permits are not transferrable from one business or location to another, or from one person to another. (Ord. No. 600, § 1, 4-11-77)

Sec. 11-18. Revocation, suspension of permit; right to appeal; action.

A permit may be revoked or suspended by the county health officer where he has determined that a violation of state law or a provision of this chapter exists, and has given written notice to the permittee of said violation and where said permittee has failed or neglected, within a reasonable time after such notice, to make the necessary corrections called for therein. Any permittee who feels aggrieved by an action of suspension or revocation of a permit by the county health officer is entitled to a hearing before the county hearing officer; and, the county health officer shall inform the permittee of this right. Upon receipt of a request for a hearing, the county hearing officer shall set the matter for hearing at the earliest practicable date, but in no event later than fourteen (14) days from the effective date of suspension or

revocation. At said hearing, the county hearing officer shall consider the report of the health officer and any evidence presented by the permittee allegedly aggrieved. The county hearing officer may reject, affirm or modify the health officer's decision, which action shall be final. (Ord. No. 600, § 1, 4-11-77)

Sec. 11-19. Imposition of fees.

Any person who conducts or engages in a business or activity as defined in section 11-14 of this chapter, which business or activity is within the geographical area under the jurisdiction of the county health officer, shall be liable to pay the environmental health inspection fee for that business or activity as set out in section 11-20 of this chapter. Said fee shall be payable annually and shall cover a period of one year from the date of payment, unless otherwise specified by the county health officer. If the public health division of the San Mateo County Public Health and Welfare Department charges any other fee for inspection or regulation of a business or activity covered by this chapter, credit for that fee shall be given and the inspection fees imposed hereunder shall be reduced by that amount. (Ord. No. 600, § 1, 4-11-77)

Sec. 11-20. Fee schedule.

(a) The following environmental health inspection fees shall be charged, (1) upon review of the plans for new business and activities listed hereinbelow, excluding however, vending machines, and (2) annually for inspection of the business and activities listed hereinbelow.

(b) During the first year in which this chapter is in effect, however, the business and activities listed hereinbelow shall be charged only fifty (50) per cent of the following inspection fees. In the second year and thereafter, the full fees shall be charged.

(1) *Restaurant:*

Temporary (1—15 days)	\$25.00
Catering commissaries	50.00
Under 50 seats	50.00
51—150 seats	65.00
Over 150 seats	90.00

(b) *Retail food vehicle*

20.00

(c) *Retail food production and marketing establishment:*

Under 2,000 square feet (including liquor stores where food items are sold)	30.00
2,000—6,000 square feet	40.00
Over 6,000 square feet	50.00

(d) *Food processing establishment:*

Under 2,000 square feet	30.00
2,000—6,000 square feet	40.00
Over 6,000 square feet	50.00

(e) *Bakery:*

Under 2,000 square feet	30.00
2,000—6,000 square feet	40.00
Over 6,000 square feet	50.00

(f) *Confectionery*

15.00

(g) *Vending machine*

2.00

(Ord. No. 600, § 1, 4-11-77)

Sec. 11-21. Multiple activities.

Where a person engages in, conducts, manages, or carries on at the same time within the same structure more than one of the activities for which an inspection fee is charged by this chapter, he shall be liable to pay the full fee for the principal business or activity, as determined by the county health officer, but only fifty (50) per cent of the fee listed herein for any other food business or activity. (Ord. No. 600, § 1, 4-11-77)

Sec. 11-22. Exemption from fees for eleemosynary institutions.

The following shall be exempt from payment of the fees imposed by this chapter:

(a) Any person or organization operating exclusively for an eleemosynary purpose any business or activity defined in Section 5522.2, where no person benefits through the distribution of profits or other compensation; or

(b) Any tax-supported institution. (Ord. No. 600, § 1, 4-11-77)

Sec. 11-23. Partnership.

If a fee is paid by a partnership which subsequently is changed by the addition or

reduction or partners, credit for the payment of said fee may be given to the new partnership upon its application for such credit, accompanied by payment of a transfer fee of two dollars (\$2.00) to the business administration division of the San Mateo County Department of Public Health and Welfare. (Ord. No. 600, § 1, 4-11-77)

Sec. 11-24. Penalty for late payment.

If any fee required by this chapter has not been paid by the due date, there shall be imposed a penalty equal to ten (10) per cent of said fee for each month of delinquency or part thereof. Where the county health officer determines that such delinquency has been caused by excusable neglect on the part of the person billed, or by mistake on the part of the department of public health and welfare, he shall waive any penalties. (Ord. No. 600, § 1, 4-11-77)

11-25—11-38. Reserved.

ARTICLE III. GARBAGE AND RUBBISH*

DIVISION 1. GENERALLY

Sec. 11-39. Unlawful deposits generally.

It shall be unlawful for any person to keep, place or deposit refuse on any public or private grounds or premises except in containers or receptacles for collection upon premises owned, occupied or under the possession or control of such person. (Code 1961, § 13.18)

Sec. 11-40. Permit required to collect or transport.

It shall be unlawful for any person to collect, remove and carry within the city, any

*Cross reference—Waste disposal in parks, § 16.25.

State law reference—Garbage and refuse disposal generally, Health & S. Code, § 4100 et seq.

garbage, house refuse, butchers' offal, shells, papers, ashes, cinders, broken glass, crockery, tins, bones, rubbish or other like matter, or any dead animals or putrid animals or vegetable matter without first obtaining a written permit from the council; provided, however, that no provision of this chapter shall be construed to prevent any resident of the city from removing from his own place of residence garden refuse such as leaves, weeds, shrubbery and lawn cuttings and any other nonputrescible refuse matter and hauling the same to any debris box operated and maintained by the city or to any facility operated and maintained by any municipality or county garbage disposal district. (Code 1961, § 13.1)

Cross reference—License fee for services rendered by use of vehicle, § 12-43, Category II.

Sec. 11-41. Application for permit.

Every person applying for a permit to collect garbage in the city shall file a written application therefor, stating his name and address, the location of his proposed dumping, whether he has had any previous experience and where and such other information as the council may require. (Code 1961, § 13.2)

Sec. 11-42. Council may grant exclusive permit.

The council shall have jurisdiction to grant an exclusive permit for the collection and disposal of garbage in the city. (Code 1961, § 13.2)

Sec. 11-43. Revocation of permit.

The council shall have the jurisdiction to revoke the permit of any person to whom a permit has been granted under this division for a failure on his part to properly collect and dispose of the garbage or for a violation of any of the terms of this article. (Code 1961, § 13.2)